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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/757,917
Confirmation No. 5126

Filing Date: January 14, 2004

Applicant: DANIEL D. SNOW, et al.

Group Art Unit: 2163

Examiner: Hung T. Vy

Title: METHOD AND ARRANGEMENT FOR
AUTOMATED PROVISION OF SERVICE HINTS

Attorney Docket: 706807US1

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPEAL BRIEF

Sir:

This is an appeal from the final rejection of claims 1-17 under 35 U.S.C. §§102, 103 in the Office Action mailed June 26, 2009.

I. REAL PARTY IN INTEREST

The Real Party in Interest is Chrysler Group LLC, a limited liability company organized and existing under the laws of the State of Delaware and having a place of business in Auburn Hills, Michigan.

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II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences which would directly affect or be directly affected by or have a bearing on the Board's decision in the instant Appeal.

III. STATUS OF CLAIMS

Claims 1-17 stand rejected and are the subject of this Appeal.

IV. STATUS OF AMENDMENTS

In response to the Final Office Action of June 26, 2009, Applicants filed a RESPONSE TO FINAL OFFICE ACTION by facsimile transmission on August 12, 2009, arguing against the rejections of claims 1-17 under 35 U.S.C. §§102 and 103. By an Advisory Action mailed August 26, 2009, the Examiner maintained the rejections of claims 1-17. Via facsimile on September 25, 2009, Applicants filed a Notice of Appeal of the rejection of claims 1-17 leaving claims 1-17 pending for appeal of their rejections. No claim amendments were made subsequent to the final rejection of June 26, 2009.

V. SUMARY OF THE CLAIMED SUBJECT MATTER

In independent claim 1, Applicants claim a method of assisting in correct diagnosis of a problem exhibited by a product having at least one component part, the method comprising:

inputting to a database (102 - Fig. 1; page 4, lines 14-18) description of the problem, a part identifier for the at least one component part, a description of the at

least one component part, a product identifier (204 - Fig. 2; page 4, line 19 - page 5, line 2), and at least one hint for assisting in diagnosing the problem, wherein the at least one hint includes a file that includes a suggestion from an engineering group (208 - Fig. 2; page 6, lines 12-22) for resolving at least one of a failure mode of the at least one component part and a repair related to the at least one component part;

generating a hint file that includes the at least one hint in the database (212 - Fig. 2; page 6, line 12 - page 7, line 4) and associating said hint file with the at least one component part; and

downloading the hint file to a parts ordering system (218 - Fig. 2; page 7, lines 1-9) and a parts catalog system in association with the part identifier prior to a request to order the at least one part or an inquiry for the part is made to the parts catalog system so that whenever said request to order the at least one part is entered into the parts ordering system or said inquiry for the part is made to the parts catalog system, the hint will be displayed (page 7, lines 7-9).

In independent claim 7, Applicants claim a method of assisting in correct diagnosis of a problem exhibited by an automotive vehicle having at least one component part, the method comprising:

inputting to a database (102 - Fig. 1; page 4, lines 14-18) a description of the problem, a part identifier for the at least one component part, a description of the component part, a vehicle platform identifier (204 - Fig. 2; page 4, line 19 - page 5, line 12) , and at least one hint for assisting in diagnosing the problem;

generating a hint file in the database (212 - Fig. 2; page 6, line 12 - page 7, line 4) and associating said hint file with the at least one component part, wherein the

hint file includes a suggestion for resolving at least one of a failure mode of the at least one component part and a repair related to the at least one component part (page 6, lines 19-22);

forwarding the hint file to an authorized vehicle platform team (212 - Fig. 2, page 7, lines 1-2);

refining the hint file in accordance with input from the authorized vehicle platform team (212 - Fig. 2; page 8, lines 1-3);

forwarding the refined hint file to an approval organization for review, further refinement if necessary, and approval, resulting in an approved hint file (page 8, lines 3-7); and

downloading the approved hint file to a parts ordering system (218 - Fig. 2; page 7, lines 1-9) and a parts catalog system in association with the part identifier prior to a request to order the at least one part or an inquiry over the part is made to the parts catalog system so that whenever said request to order the at least one part is entered into the parts ordering system or said inquiry over the part is entered into the parts catalog system, the hint will be automatically displayed along with conventional part information (page 7, lines 7-9).

In independent claim 12, Applicants claim an arrangement for assisting in correct diagnosis of a problem exhibited by a product having at least one component part, the arrangement comprising:

a database and associated database engine (102 - Fig. 1; page 4, lines 14-18) adapted to communicate with a plurality of organizations (120 - Fig. 1; page 4,

lines 10-13) within an entity responsible for distributing the at least one component part to product customers;

a parts ordering system and a parts catalog system (114 - Fig. 1; page 4, lines 14-16) coupled for communication with the database and with at least one parts and service providing entity for the product;

wherein the database is operative to receive from at least one of the plurality of organizations a description of the problem, a part identifier for the at least one component part, a product identifier, and at least one hint for assisting in diagnosing the problem, to generate a hint file in the database (204 - Fig. 2; page 4, line 19 - page 5, line 2), associated with the at least one component part and to download the hint file to the parts ordering system and the parts catalog system prior to receiving a request or an inquiry for the at least one component, wherein the at least one hint includes a file that includes a suggestion from an engineering group (208 - Fig. 2; page 6, lines 12-22) for resolving at least one of a failure mode of the at least one component part and a repair related to the at least one component part; and

wherein the parts ordering system and the parts catalog system are operative upon receiving said request or said inquiry for the at least one component from the at least one parts and service providing entity to display the hint to the at least one parts and service providing entity (page 7, lines 7-9).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed are:

1. Anticipation of claims 1, 5-6, 12 and 16-17 under 35 U.S.C. §102(e) by Williams et al. (U.S. Application Publication No. 2003/0055812 A1) (hereinafter Williams);
2. Unpatentability of claims 2-4, 7, 10-11 and 13-14 under 35 U.S.C. §103(a) over Williams in view of Squeglia et al. (U.S. Application Publication No. 2002/0156692 A1) (hereinafter Squeglia);
3. Unpatentability of claim 9 under 35 U.S.C. §103(a) over Williams and Squeglia in view of Demetriades et al. (U.S. Application Publication No. 2004/0010578) (hereinafter Demetriades); and
4. Unpatentability of claims 8 and 15 over Williams and Squeglia in view of Griffiths (U.S. Application Publication No. 2002/0116316) (hereinafter Griffiths).

VII. ARGUMENT

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 5-6, 12 and 16-17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Williams. This rejection is respectfully traversed.

With respect to claim 1, Williams does not show, teach or suggest that whenever a request to order the at least one part is entered into a parts ordering system or an inquiry for the part is made to a parts catalog system, the hint will be displayed. Applicants' hint includes a file that includes a suggestion from an engineering group for resolving at least one of a failure mode of the at least one component part and a repair related to the at least one component part.

The Examiner asserts that hints, as in claim 1, correspond to industry notes.

Page 3 of the Office Action. Applicants disagree.

The user accesses the industry notes as described in Paragraph [0051] of Williams:

If a user double clicks on the industry notes column 398 for a particular part, e.g., on the icon 630 displayed in FIGS. 3 and 6 E, then the industry notes display pop-up window would appear as illustrated in FIG. 6E . Industry notes display pop-up window 632 indicates, for this particular backing plate, that four are needed, two on each side. These are notes that are supplied by the parts or vehicle manufacturers. As such, the owner or repair person would note these details when placing a repairing these individual parts. The individual notes are displayed in the industry notes display field 634.

In other words, the user clicks on an industry notes column to access industry notes. Even assuming the industry notes correspond to hints, which they do not, industry notes are not displayed whenever a request to order the at least one part is entered into the parts ordering system or an inquiry for the part is made to the parts catalog system (as in claim 1). Instead, in Williams, a menu is displayed that includes an industry notes column. In order to view the column, the user must select the column. In the event the user does not select the column, any benefit from the industry notes will be lost, unlike the automatically displayed hints of claim 1.

Further, the industry notes of Williams are not hints. Hints, as in claim 1, include a *suggestion* from an engineering group for resolving at least one of a failure mode of the at least one component part and a repair related to the at least one component part.

The industry notes include common difficulties (unspecified in Williams) with a particular part, and other information (unspecified in Williams) that may be of use to the

user of the vehicle parts monitoring system. An example of industry notes 634 are shown in FIG. 6E of Williams.

The industry notes in Williams do not correspond to a suggestion from an engineering group for resolving at least one of a failure mode of the at least one component part and a repair related to the at least one component part. Instead, the industry notes include requirements related to particular parts (e.g., 4 needed -2each side). A suggestion, as in claim 1, does not correspond to a requirement for a particular part. Instead, a suggestion corresponds to a possible way to solve a problem related to a part. Implementation of suggestions is not mandatory, whereas implementation of the industry notes, to the extent they provide instruction, is mandatory.

The Examiner is therefore picking only so much of portions of Williams that support his position while ignoring what the reference fairly teaches.

In claim 1, the hint includes a file that includes a suggestion from an engineering group. Whenever a request to order the at least one part is entered into the parts ordering system or an inquiry for the part is made to the parts catalog system, the hint will be displayed. Therefore, on its face, the hint includes more than industry notes. Thus, Williams does not disclose all the features of the hints of claim 1.

Notes/information are not hints. As best understood by Applicant, Williams is primarily concerned with authenticating vehicle parts and providing access to a database of standard repairs including notes and information that coincide with the parts. Merely providing access to a database of standard vehicle repairs, as in Williams, is common in the prior art. In other words, database access is not a hint. A hint provides insight as to the solution to a problem. In claim 1, a hint includes a

suggestion from an engineering group for resolving at least one of a failure mode of the at least one component part and a repair related to the at least one component part, which clearly differs from database access, as in Williams.

The Court of Appeals for the Federal Circuit has recently stated: "We thus hold that unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. §102... [D]ifferences between the prior art reference and a claimed invention, however slight, invoke the question of obviousness, not anticipation." Net Money/IN Inc. v. VeriSign Inc., 88 USPQ 2d 1751, 1759-1760 (Fed. Cir. 2008).

Williams does not show, teach, or suggest a hint file that includes a suggestion for resolving a failure mode, as in claim 1.

Therefore, claim 1 is allowable for at least these reasons. Claim 12 is allowable for at least similar reasons as claim 1. Claims 5-6, 8 and 16-17 ultimately depend from claims 1 and 12 and are allowable for at least similar reasons.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 2-4, 7, 10-11, 13-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams in view of Squeglia. This rejection is respectfully traversed.

With respect to claim 7, Williams and Squeglia do not show, teach, or suggest forwarding the refined hint file to an approval organization for review, further refinement, and approval, resulting in an approved hint file. Further, both Williams and Squeglia teach away from this element.

As best understood by Applicant, Williams merely discloses a user inputting data in a "my notes" column of a spreadsheet during repair/replacement of a part. Williams also discloses a manufacturer providing information for an industry notes column (that includes part information) in the spreadsheet. The Examiner appears to be combining these two elements to arrive at the hint file of claim 7. However, the "my notes" do not relate to the industry notes. The industry notes of Williams are provided independent of any information included in the "my notes" column. The industry notes are simply available information on parts, which is typical in a parts monitoring system. In contrast, the "my notes" are input by a user such as a technician working on a vehicle.

Further, Williams does not include an approval organization for review of the "my notes". Williams teaches that "my notes" are input during repair/replacement of parts and relate directly to the specific repair/replacement. It is clear that Williams did not intend for the "my notes" to be sent off and refined by an approval organization, and thus Williams teaches away from the features of claim 7. The "my notes" of Williams are included so that someone working on the vehicle or with the part will be aware of what repairs have occurred for a vehicle or for a part, not to a hint for implementing a repair, as in claim 7.

Further, the industry notes of Williams simply include parts information, such as how many of a certain part are required. See FIG. 6E and the related Detailed Description of Williams. The industry notes of Williams are included so that someone working on the vehicle or with the part will be aware of what parts are required for particular repairs, not to a hint that includes a suggestion for implementing a repair, as in claim 7.

According to the Examiner, Squeglia discloses a recommendation authoring system that corresponds to forwarding a hint to an authorized vehicle platform team. Page 12. of the Office Action. However, as best understood by Applicant, the "recommendation authoring system" of Squeglia merely includes an expert repository and operational parameter database. Paragraph [0061] of Squeglia. The expert repository receives information from a portable unit in the field. See Paragraph [0034] of Squeglia. In other words, Squeglia includes stagnant software that helps diagnose a problem based on received field information, not an approval organization for review of a hint, as in claim 7. The approval organization of claim 7 receives hint files and refines the hint files. Squeglia, at best, merely includes a repository of data, and, not only does not provide hints, as in the claims, but does not refine the hints via an approval organization. Squeglia therefore teaches away from an approval organization refining a hint because Squeglia includes a program that outputs preprogrammed data.

Williams and Squeglia do not include all the elements of claim 7 and instead teach away from the elements of claim 7.

Therefore, claim 7 is believed to be allowable for at least these additional reasons.

Further, as mentioned, claim 7 is believed to be allowable for at least similar reasons as claim 1. Claims 2-4, 10-11 and 13-14 ultimately depend from claims 1, 7, and 12 and are allowable for at least similar reasons.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Squeglia and Williams and further in view of Demetriades. Claims 8 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams and Squeglia and further in view of Griffiths. These rejections are respectfully traversed.

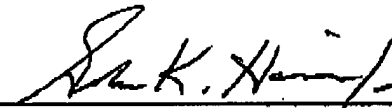
Demetriades and Griffiths do not remedy the deficiencies of Williams and Squeglia with respect to claims 7 and 12. Claims 8, 9 and 15 ultimately depend from claims 7 and 12 and are therefore in condition for allowance for at least similar reasons.

CONCLUSION

The Examiner's rejections of claims 1-17 under 35 U.S.C. §§102 and 103 are improper. Accordingly, it is respectfully submitted that the Examiner has failed to state *prima facie* cases of anticipation and unpatentability and the Examiner's rejections of claims 1-17 should be reversed.

Respectfully submitted,

Dated: November 23, 2009

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CLAIMS APPENDIX**CLAIMS ON APPEAL**

1. A method of assisting in correct diagnosis of a problem exhibited by a product having at least one component part, the method comprising:

inputting to a database description of the problem, a part identifier for the at least one component part, a description of the at least one component part, a product identifier, and at least one hint for assisting in diagnosing the problem, wherein the at least one hint includes a file that includes a suggestion from an engineering group for resolving at least one of a failure mode of the at least one component part and a repair related to the at least one component part;

generating a hint file that includes the at least one hint in the database and associating said hint file with the at least one component part; and

downloading the hint file to a parts ordering system and a parts catalog system in association with the part identifier prior to a request to order the at least one part or an inquiry for the part is made to the parts catalog system so that whenever said request to order the at least one part is entered into the parts ordering system or said inquiry for the part is made to the parts catalog system, the hint will be displayed.

2. The method of claim 1 further comprising prior to the downloading of the hint file:

forwarding the hint file to an authorized product team of specialists; and

refining the hint file in accordance with inputs from the authorized product team.

3. The method of claim 1 further comprising prior to downloading the hint file:
forwarding the hint file to an approval organization; and
proceeding to downloading only after approval of the hint file by the approval organization.

4. The method of claim 2 further comprising after refining the hint file:
forwarding the hint file to an approval organization; and
proceeding to the downloading step only after approval of the hint file by the approval organization.

5. The method of claim 1 wherein the displayed hint alerts a viewer that the problem will not be solved by replacement of the at least one component.

6. The method of claim 1 wherein the displayed hint presents a suggested solution to the problem.

7. A method of assisting in correct diagnosis of a problem exhibited by an automotive vehicle having at least one component part, the method comprising:

inputting to a database a description of the problem, a part identifier for the at least one component part, a description of the component part, a vehicle platform identifier, and at least one hint for assisting in diagnosing the problem;

generating a hint file in the database and associating said hint file with the at least one component part, wherein the hint file includes a suggestion for resolving at

least one of a failure mode of the at least one component part and a repair related to the at least one component part;

forwarding the hint file to an authorized vehicle platform team;

refining the hint file in accordance with input from the authorized vehicle platform team;

forwarding the refined hint file to an approval organization for review, further refinement if necessary, and approval, resulting in an approved hint file; and

downloading the approved hint file to a parts ordering system and a parts catalog system in association with the part identifier prior to a request to order the at least one part or an inquiry over the part is made to the parts catalog system so that whenever said request to order the at least one part is entered into the parts ordering system or said inquiry over the part is entered into the parts catalog system, the hint will be automatically displayed along with conventional part information.

8. The method of claim 7 further comprising preventing a completion of placing an order for the at least one part until a requester enters an acknowledgement to the parts ordering system acknowledging that the hint has been displayed.

9. The method of claim 7 further comprising periodically transmitting a refined hint file to a translation service operative to translate the hint into at least one other language and to send the translated hint back to the database.

10. The method of claim 7 wherein the displayed hint alerts a viewer that the problem will not be solved by replacement of the at least one component.

11. The method of claim 10 wherein the displayed hint presents a suggested solution to the problem.

12. An arrangement for assisting in correct diagnosis of a problem exhibited by a product having at least one component part, the arrangement comprising:

a database and associated database engine adapted to communicate with a plurality of organizations within an entity responsible for distributing the at least one component part to product customers;

a parts ordering system and a parts catalog system coupled for communication with the database and with at least one parts and service providing entity for the product;

wherein the database is operative to receive from at least one of the plurality of organizations a description of the problem, a part identifier for the at least one component part, a product identifier, and at least one hint for assisting in diagnosing the problem, to generate a hint file in the database, associated with the at least one component part and to download the hint file to the parts ordering system and the parts catalog system prior to receiving a request or an inquiry for the at least one component, wherein the at least one hint includes a file that includes a suggestion from an engineering group for resolving at least one of a failure mode of the at least one component part and a repair related to the at least one component part; and

wherein the parts ordering system and the parts catalog system are operative upon receiving said request or said inquiry for the at least one component from the at least one parts and service providing entity to display the hint to the at least one parts and service providing entity.

13. The arrangement of claim 12 wherein the plurality of organizations include a team of specialists for the product; and

wherein the database engine is further operative to forward the hint file to the team for refining the hint file.

14. The arrangement of claim 12 wherein the plurality of organizations includes an approval organization; and

wherein the database engine is further operative to inhibit downloading of the hint file until receipt of approval from the approval organization.

15. The arrangement of claim 12 wherein the parts ordering system is further operative to prevent completion of an order for the at least one part until receipt of a signal from the parts and service providing entity acknowledging a display of the hint.

16. The arrangement of claim 12 wherein the displayed hint alerts a viewer that the problem will not be solved by replacing the at least one component.

17. The arrangement of claim 16 wherein the displayed hint presents a suggested solution to the problem.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.